

HOUSE BILL REPORT

HB 2945

As Reported by House Committee On:
Human Services

Title: An act relating to petitions for relief from the duty to register for sex offenders and kidnapping offenders.

Brief Description: Concerning petitions for relief from the duty to register for sex offenders and kidnapping offenders.

Sponsors: Representative Dickerson.

Brief History:

Committee Activity:

Human Services: 1/27/10, 1/28/10 [DP].

Brief Summary of Bill

- Permits a court to grant a petition for relief from the duty to register for a sex or kidnapping offense committed as a juvenile even if at the time of the petition the person has one prior conviction for Failure to Register and has not spent 10 years in the community without any new offenses.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass. Signed by 6 members: Representatives Dickerson, Chair; Orwall, Vice Chair; Darneille, Green, O'Brien and Walsh.

Minority Report: Do not pass. Signed by 2 members: Representatives Dammeier, Ranking Minority Member; Herrera.

Staff: Linda Merelle (786-7092).

Background:

Both juveniles and adults convicted of a sex offense or kidnapping offense are required to register with the county sheriff for the county of the person's residence. The statutes set forth a scheme under which the duty to register for a sex offense or kidnapping offense ends. For

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persons convicted of a class A offense, a sexually violent offense, or offenses against a minor, there is no statutory expiration. The person may only be relieved of the duty to register by petitioning the court. The court may grant the petition if the petitioner shows by clear and convincing evidence that future registration is not required.

For a class B felony, without prior convictions for a sex offense or kidnapping offense, the duty to register ends 15 years after release from confinement if the person has spent 15 years in the community without being convicted of any new offense. For a class C felony, or an attempt, solicitation, or conspiracy to commit a class C felony (gross misdemeanor) and no prior sex or kidnapping offenses, the person must spend 10 years in the community without being convicted of any new offenses.

Unless prohibited by statute, a person required to register may petition the court for release from the duty if the person has spent 10 years in the community with no new offenses. He or she must present clear and convincing evidence that registration is no longer required.

Persons who have been determined to be sexually violent predators, or who have been convicted of certain sexually violent offenses may not be relieved of the duty to register.

An offender required to register for an offense committed as a juvenile may petition the court to be relieved of that duty. The court must consider the nature of the offense, the relevant criminal and noncriminal behavior and may consider other factors. If the juvenile was 15 years or older when he or she committed the offense, the petitioner must show clear and convincing evidence that future registration no longer serves the purpose of registration requirements. If the juvenile was younger than 15 when he or she committed the offense, the juvenile must show that he or she has not been adjudicated of any additional sex offenses or kidnapping offenses during the 24 months following the adjudication which requires registration, and the juvenile must prove by a preponderance of the evidence that future registration will not serve the purpose of the registration requirements. These provisions do not apply to juveniles prosecuted as adults.

If a juvenile is convicted of Failure to Register as a result of a juvenile conviction, he or she must wait 10 years before a court will consider a petition to be relieved of the duty to register.

Summary of Bill:

Under the terms of this act, a person may petition the court to be relieved of the duty to register for a sex or kidnapping offense committed as a juvenile. The court is expressly permitted to grant the petition if the person has met his or her burden of proof, even if he or she has one prior conviction for Failure to Register and 10 years have not yet lapsed since the conviction.

This provision applies only if the person committed his or her offense as a juvenile and only if he or she has only one conviction for Failure to Register. If the person has more than one

conviction, he or she must spend at least 10 years in the community without being convicted of any new offenses before the court may grant a petition for relief.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The Legislature created the Sex Offender Policy Board (Board) to create a coordinated response to sex offender management. The Board was tasked to take a look at the registration and the community notification system in Washington and how to improve public safety. We looked at research and evidence-based practice. Juveniles that commit sex offenses are different from adults. Many young people do not take care of the business of registering, and they get into a cycle of extending the period of time during which they must continue to register for a sex offense or kidnapping offense. This legislation will give them an opportunity to get out of this cycle. The bill reflects a lot of common sense. The Board has a lot of expertise. The bill is the result of a recognition that for juveniles who fail to register, it is sometimes not their fault. The bill reflects the dual purpose of community protection and rehabilitation into the community.

(Opposed) None.

Persons Testifying: Representative Dickerson, prime sponsor; and Kecia Rongen, Brad Meryhew, and Laura Gene Middaugh, Sex Offender Policy Board.

Persons Signed In To Testify But Not Testifying: None.